

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MINTEL INTERNATIONAL GROUP,	)	
LTD, a United Kingdom corporation,	)	
	)	
Plaintiff,	)	Case No.: 08 CV 3939
	)	
v.	)	Judge Robert M. Dow
	)	Magistrate Judge Maria Valdez
	)	
MEESHAM NEERGHEEN, an individual,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S MOTION FOR LEAVE TO FILE PLAINTIFF'S MEMORANDUM  
OF LAW IN SUPPORT OF ITS MOTION TO EXCLUDE TESTIMONY OF  
DATAMONITOR AND ITS 30(b)(6) WITNESS JEFFREY HOWARD AND FOR  
OTHER SANCTIONS**

Plaintiff MINTEL INTERNATIONAL GROUP, LTD. ("Mintel") hereby requests leave from this Court to proceed with filing Plaintiff's Supplemental Memorandum of Law in Support of its motion to exclude the testimony of Datamonitor and its 30(b)(6) witness Jeffrey Howard and for other sanctions. Given the complete lack of preparation by Mr. Howard, Defendant should be precluded from supplementing or rehabilitating its testimonial evidence regarding any of the areas listed in the 30(b)(6) deposition notice, as set forth below. In support of its motion, Mintel states as follows:

1. Mintel requests leave of Court to proceed with filing Mintel's Memorandum of Law in Support Of Its Motion To Exclude The Testimony Of Datamonitor And Its 30(B)(6) Witness Jeffrey Howard And For Other Sanctions. ("Sanctions Memorandum").

2. Mintel's Sanctions Memorandum contains references and citations to material that has been designated as "confidential" and/or "confidential – attorneys' eyes only" by opposing counsel.

3. Pursuant to Local Rule 26.2(b), no document may be filed under seal without a prior order of the court specifying the particular document or portion of the document to be filed under seal. Therefore, only a document that has been previously determined by the court to be deserving of protection may be filed under seal, regardless of the existence of any protective order. *See* L.R. 26.2(b).

4. The Court has not yet ruled that the documents that are referenced within Mintel's Supplemental Memorandum are deserving of protection.

5. On September 3, 2008, Mintel provided Defendant's counsel with a copy of Mintel's Sanctions Memorandum and all necessary exhibits.

6. Mintel will provide the Honorable Maria Valdez with two copies of Mintel's Sanction Memorandum and all necessary exhibits. The documents will be hand-delivered to the Judge Dow on September 3, 2008.

7. Should Defendant's counsel deem it necessary, Defendant's counsel can proceed with filing and noticing for hearing a Motion to File Under Seal.

WHEREFORE Plaintiff Mintel International Group, Ltd. respectfully requests that this Court grant Mintel leave to proceed with filing Plaintiff's Motion To Exclude The Testimony Of Datamonitor And Its 30(B)(6) Witness Jeffrey Howard And For Other Sanctions and enter a briefing schedule.

Respectfully submitted,

MINTEL INTENTIONAL GROUP, LTD.

By: /s/ Joseph R. Marconi

One of Their Attorneys

Joseph R. Marconi  
Victor Pioli  
Katherine J. Pronk  
JOHNSON & BELL, LTD.  
Attorneys for Plaintiff  
33 W. Monroe Street, Suite 2700  
Chicago, Illinois 60603  
(312) 372-0770  
Doc. No.: 1928845

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, upon oath states that a true and complete copy of the foregoing **Plaintiff's Motion for Leave to File Plaintiff's Memorandum of Law in Support of its Motion to Exclude Testimony of Datamonitor and its 30(b)(6) Witness Jeffrey Howard and for Other Sanctions** was filed and served electronically on the 3<sup>rd</sup> day of September, 2008.

/s/ Joseph R. Marconi

One of Their Attorneys